

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte 09/830,245

Application No. RICCARDO EVANGELISTI
and
JOEL CAILLIER

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on April 5, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed following Information Disclosure Statements (IDS's) :

- IDS filed on June 4, 2001 (entered as Paper No. 3)
- IDS filed on July 4, 2001 (entered as Paper No. 6)

A review of the file reveals that there is no record of the IDS filed on July 4, 2001 (incorrectly entered as Paper No. 6), yet there is an IDS filed June 4, 2001 (incorrectly entered as Paper

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No. 3). It appears that there is no copy of the IDS filed on July 4, 2001. Therefore, it is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is returned to the examiner to notify appellants to submit a copy of the missing IDS filed on July 4, 2001, to consider the IDS and to notify appellants of such consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By: 

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FCH/clm/meh
RA04-0450